

REMARKS

Claims 1-7 and 9-21 are pending in this application. Claims 1-7 and 9-21 stand rejected. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

The drawings, specifically Figures 3-11, are objected to as being virtually impossible to differentiate what is being disclosed. The Office Action states that the images look identical and the lead lines are not clear. Applicant submits herewith replacement drawing sheets wherein the objects being displayed (as described in the specification as filed) are more clearly shown. The reference labels A, B and C represent different planes as described in the specification, for example, at paragraph 0062. Accordingly, Applicant respectfully requests the Office withdraw the objection to the drawings.

Claims 1-7, 9-15 and 18-21 have been rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement in reciting “tangible.” Although Applicant disagrees, for example, the specification describes a storage 128 that may be a hard drive or CD-ROM, which are tangible, Applicant has amended claim 1 to remove the recitation of tangible. Thus, Applicant submits that the rejection of claims 1-7, 9-15 and 18-21 under 35 U.S.C. § 112, first paragraph should be withdrawn.

Claims 18-20 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite in the recitation of “statistically based.” The Office Action states that Applicant has only indicated one example of a statistic, which is gestational age and it is unclear what other statistics the claim is referring to. Without limitation, other statistics may include, for example, the presentation orientation of the fetus, the dimensions of an organ, among others. Accordingly, Applicant submits that the 35 U.S.C. § 112, second paragraph rejection should be withdrawn.

Claims 1-4, 7 and 14-17 have been rejected under 35 U.S.C. § 102(b) as being anticipated by NPL “Fetal heart Assessment Using Three-Dimensional Ultrasound” to Nelson et al. (Nelson). Claims 5, 6, 12, and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of U.S. Patent 7,244,233 (Krantz). Claims 9-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of U.S. Patent No. 6,290,648 to Kamiyama et al. (Kamiyama), in further view of Applicants Admission of the prior art. Claim 21 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of NPL “Sonography of the Normal Fetal Heart: A Practical Approach” (Frates). Claims 1, 7 and 14-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,174,285 (Clark) in view of NPL “Standardized Myocardial Segmentation and Nomenclature for Tomographic Imaging of the Heart: A Statement for Healthcare Professionals from the Cardiac Imaging Committee of the Council on Clinical Cardiology of the American Heart Association” to Cerqueira, et al. (Cerqueira). Claims 2-4 and 18-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark in view of Cerqueira, and further in view of Nelson. Claims 5, 6, 12, and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark in view of Cerqueira, and further in view of Krantz. Claims 9-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark in view of Kamiyama, in further view of Applicants Admission of the prior art. Claim 21 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark in view of Cerqueira, and further in view of Frates. Applicant respectfully traverses these rejections for at least the reasons set forth below.

Independent claim 1 was previously amended to recite body organ specific data including spatial positions within the organ that defines a relationship of the at least one other plane to the reference plane, with the at least one other plane being a standardized plane. Independent claims 16 and 17 were previously amended to recite a spatial mathematical relationship of the at least one other plane to the reference plane for the body organ based on spatial positions within the organ. Applicant submits that the claimed body organ specific data including spatial positions for generating the at least one other plane are not disclosed in the cited references.

The Office Action states that both Nelson and Cerqueira teach generating and defining at least one other plane with respect to a reference plane for the body organ based on specific data including spatial positions within the organ that define a relationship of the at least one plane to the reference plane (Office Action, pages 4 and 10). Applicant respectfully disagrees.

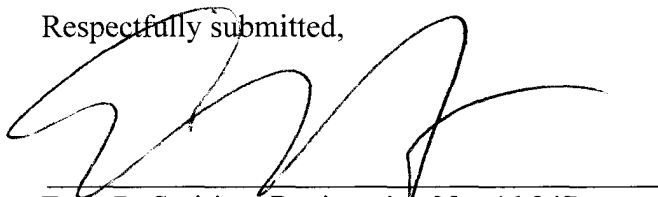
Both Nelson and Cerqueira describe obtaining images from a primary examination axis and then orienting the images to thereafter view other planes oriented with respect to the images from the primary examination axis. For example, the additional image planes may be perpendicularly or orthogonally oriented with respect to the image from the primary examination axis or other defined axis. These relationships are geometric relationships of the planes that are used to generate different images, and are not spatial positions within an organ. The relationships are not based on *body organ specific* data that include *spatial positions* within the organ. The cited references do not define other planes based on spatial positions within the organs, but on fixed geometric relationships, which are not dependent on the spatial position within the organ. The cited references are attempting to standardize scanning such that a particular scanning direction and orientation are obtained to then generate other image planes. In contrast, the claimed invention may be used, for example, in obstetrical ultrasonography wherein the fetus may be in different orientations within the uterus that allows for only certain image views to be acquired, with other views generated based on body organ specific data, unlike, for example, Cerqueira that is directed to defining specific acquisition views. The cited references simply do not use body organ specific data to define relationships between image planes. Geometric relationships are not relationships based on body organ specific data including spatial positions within the organ. The geometric relationships apply to any object and are not specific to the organ. Accordingly, Applicant submits that independent claims 1, 16 and 17 are allowable.

Turning to the dependent claims, Applicant submits that dependent claims 2-7, 9-15 and 18-21 recite further subject matter that is not anticipated or rendered obvious by the cited references. Additionally, claims 2-7, 9-15 and 18-21 depend from claim 1. Consequently,

because claim 1 defines allowable subject matter, claims 2-7, 9-15 and 18-21 also define allowable subject matter.

In view of the foregoing amendments and remarks, it is respectfully submitted that the cited references neither anticipate nor render obvious the claimed invention and the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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